

REMARKS

The Office Action of March 22, 2007 has been reviewed and the comments therein were carefully considered. Claims 1-36 are currently pending. Claims 1-36 stand rejected.

Claim Rejections Under 35 U.S.C. §103

Claims 1-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2001/0039529 (Hoffman) in view of U.S. Publication No. 2002/0128953 (Quallen).

Regarding claim 1, Applicant is amending the claim to include the features of “comparing a first value of said one component from a first supplier with a second value of the said one component of a second supplier for a plurality of product volumes of the product, **at least one of the values being non-linearly related to the plurality of product volumes.** (Emphasis added.) The amendment is supported by the patent application as originally filed. For example, the specification discloses (Paragraph 67. Emphasis added.):

It should be noted that the volume information corresponding to field 1124 may be obtained from the cost sheet 900, or the user may alternately provide the volume information. **For example, a supplier may provide the user with different cost information for different product volumes (e.g., the supplier may provide a first cost sheet with a first set of cost information for the purchase of one volume of the product, and a second cost sheet with a second set of cost information for the purchase of another volume of the product).** The Tool 200 may then create different product records for each volume, and display the volume information for that product record in field 1124. Alternately, the user can simply provide a value for the field 1124 corresponding to the anticipated number of products to be sold from the user's department.

The Office Action admits that Hoffman does not explicitly disclose of (Page 3):

... Comparing a first value of said one component from a first supplier with a second value of the said one component of a second supplier for a plurality of product volumes of the product ...

The Office Action alleges (Pages 3-4. Emphasis added.):

Quallen [Quallen] discloses a price discovery and negotiations and related processes wherein buyers provide a demand set comprising a buyer's specification

for multiple performance elements (0014). Vendors can then submit an offer to supply the demand set, including itemized bids for each bid element (see 0023-0027). The buyer can then compare these prices across multiple vendors and use this a negotiation tactic to obtain lower prices (0028-0030) as well as multiple volumes as well as see **price scales across multiple volumes** (paragraph 0068 'usage service,' pricing basis based on the rate of consumption of the good or service,' also see 0088 '**price per pound** of paper).

The Office Action admits (Page 16. Emphasis added.):

The applicant has argued that Quallan [Quallen] fails to suggest or consider pricing elements with regards to the purchase volumes. The examiner disagrees with this assessment as Quallan discloses pricing methods for vendors based on volume (0068 'pricing based on rate of consumption,' and 0088 'price per pounds of paper.'). While this might be a linear scale, the claimed limitation of 'a plurality of product volumes of the product,' is available in Quallan, and thus meets the claim.

Quallen merely discloses pricing based a linear function (e.g., pricing of consumption based on a dollar amount per unit consumed and pricing of a product based on a rate per pound). However, Quallen fails to even suggest "comparing a first value of said one component from a first supplier with a second value of the said one component of a second supplier for a plurality of product volumes of the product, at least one of the values being **non-linearly** related to the plurality of product volumes," in which pricing is not directed to a linear relationship. (Emphasis added.)

Applicant is similarly amending independent claim 9 to include the feature of "comparing a first value of said one component from a first supplier with a second value of the said one component of a second supplier for a plurality of product volumes for said one of the plurality of products, at least one of the values being non-linearly related to the plurality of product volumes." Applicant is also amending independent claim 15 to include the feature of "comparing a first value of said one component from a first supplier with a second value of the said one component of a second supplier for a plurality of product volumes for said one of the plurality of products, at least one of the values being non-linearly related to the plurality of product volumes." Applicant is similarly amending independent claim 23 to include the feature of "an analysis component that selects one part of the plurality of cost parts, compares a first value of said one part from a first supplier with a second value of the said one part from a second supplier for a plurality of product volumes, at least one of the values being non-linearly related to the

plurality of product volumes, and negotiates a purchase cost for the product with the first supplier based on the first value for a selected product volume from the plurality of product volumes.” Applicant is also amending independent claim 29 to include the feature of “comparing a first value of said one component from a first supplier with a second value of the said one component of a second supplier for a plurality of product volumes of the product, at least one of the values being non-linearly related to the plurality of product volumes.”

Claims 2-8, 10-14, 16-22, 24-28, and 30-36 ultimately depend from independent claims 1, 9, 15, 23, and 29 and are patentable for the at least the above reasons. Thus, Applicant requests reconsideration of claims 1-36.

Applicants therefore respectfully request reconsideration of the pending claims and a finding of their allowability. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Applicant notes that the amendments to the claims are intended to expedite prosecution of the present patent application and reserves the right to pursue the original subject matter in a subsequent patent application.

Date: June 20, 2007

Respectfully submitted,
By: Kenneth F. Smolik
Kenneth F. Smolik
Registration No. 44,344
BANNER & WITCOFF, LTD.
10 South Wacker Drive
Suite 3000
Chicago, IL 60606
Telephone: 312-463-5000
Facsimile: 312-463-5001